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<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	10/676,496	STUPECKY, JOSEF J.	
	Examiner	Art Unit	
	Daniel C. Crane	3725	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**  
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed July 5, 2005.
2. ☒ The allowed claim(s) is/are 5,10,11 and 13.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br/>Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date <u>8/16/05</u>.</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____</li> </ol> |
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### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Michael Guiliana on August 10, 2005.

### **IN THE CLAIMS**

**Claim 5 has been amended as follows:**

5. (Currently Amended) A die, comprising:

a lower block portion having an upper face, a front face, and a rear face, the upper face defining a first cavity therein;

an impact plate juxtaposed on the [top surface] upper face of the lower block and having an impacting surface facing away from the lower block and a swaging surface facing toward the upper [surface] face of the lower block, the swaging surface defining a second cavity therein configured to cooperate with the first cavity to form a swaging cavity, the swaging cavity having a tapered portion and a cylindrical portion, the tapered portion having an included angle within the range of from about .05 degrees to about 3.0 degrees, the impact plate being moveable toward and away from the lower block to vary the volume of the swaging cavity;

a front plate configured to mount to the front face of the lower block and having one or more travel stops designed to limit the relative travel of the impact plate with respect to the lower block;

a rear plate configured to mount to the rear face of the lower block and having one or more travel stops designed to limit the relative travel of the impact plate with respect to the lower block.

**Claim 10 has been amended as follows:**

10. (Currently Amended) A swaging die, comprising:

a lower portion and an upper portion, each of the lower portion and the upper portion configured with a cavity that cooperate when juxtaposed on top of one another to form a swaging cavity configured to swage a marker band onto a catheter, the lower and upper portion being movable a travel distance relative to one another;

a front portion defining an inlet opening and a rear portion defining an exit opening, the inlet opening and exit opening aligned to facilitate feed of the catheter through the swaging cavity, each of the front portion and rear portion further defining travel stops that extend above the upper portion and limit the maximum travel distance between the upper portion and the lower portion.

**REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance: One reason for allowance of claim 10 is that the swaging die is for swaging a band onto a catheter such that the

inlet opening of the front portion and the exit opening of the rear portion define openings that facilitate the feed of the catheter through the swaging cavity with the front portion and the rear portion also defining travel stops for the relatively movable upper and lower portions. This is not shown by Edwards (4,047,420) because Edwards does not show openings in the front and rear portions of the die that facilitate feed of the catheter nor do the "stops" 60 act as a travel stop of a maximum distance for the relative movement a distance of the upper and lower portions.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


## **INQUIRIES**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner D. Crane whose telephone number is (571) 272-4516. The examiner's office hours are 6:30 AM – 5:00 PM, Tuesday through Friday. The examiner's supervisor, Mr. Derris Banks, can be reached at (571) 272-4419.

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Documents related to the instant application may be submitted directly by facsimile transmission at all times. The Examiner's Fax number is **(571) 273-4516**. Applicant(s) is(are) reminded to clearly mark any transmission as "DRAFT" if it is **not** to be considered as an official response. The Office Facsimile Center number is **(571) 273-8300**.

DCCrane  
August 16, 2005



**Daniel C. Crane**  
Primary Patent Examiner  
Group Art Unit 3725